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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,145	06/14/2002	Mark A. Kappel	126062	3241
27256	7590	08/24/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			DUVERNE, JEAN F	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,145	KAPPEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean F. Duverne	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-17 and 19-20 is/are rejected.
- 7) ☒ Claim(s) 10, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, 9, 11, 13-15, 17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadokoro et al (US005102344A ).

Tadokoro's device discloses a cap connector assembly (figs. 1-6) with plurality of sides (coupling sides) for mechanically and electrically coupling to a connector having a dissipative boot (defined as an enclosing or protective casing) housing (11), the booth sized to receive the connector (1, 10) therein, plurality of contacts (8, 9, 16, 17), the housing comprising a floor portion (see attachment) contacting the connector, a retainer (15) and tabs and protrusions positioned on the housing for retaining a ground wire (6, 3), alignment guides (see attachment), the house having a retainer arm (see attachment) size to receive the connector.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al (US005102344A ).

In regard to claims 5 and 16, Tadokoro's device discloses the aforementioned limitations including the floor contacts but fails to explicitly disclose the use of four floor contacts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use four floor contacts; since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use four floor contacts in Tadokoro's device in order to improve the interconnection and the system reliability.

In regard to claims 6-8, Tadokoro's device discloses the aforementioned limitations but fails to explicitly disclose the shape of the contacts. It would have been obvious matter of design choice to use the pyramid shape for the floor contacts since such modification would have involved a mere change in shape of a component. A change in shape is generally recognizing as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the floor contacts shaped as a pyramid in Tadokoro's device in order to make reliable connection with the connector having the corresponding specification and requirement.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Tadokoro et al (US005102344A ) in view of Feng (US patent 6,046,908).

Tadokoro's device discloses the aforementioned limitations, but fails to explicitly disclose the use of the insulative material such rubber (52) with the dissipative housing. Feng's device disclose the use of the insulative material such rubber with the dissipative housing (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the insulative material, rubber to the dissipative housing such as the one discloses in Feng's device in order to reduce the energy dissipation in Tadokoro's device.

#### **Response to Amendment**

1. Applicant's arguments filed on 6/10/2005 have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art: For instance, the cap as only been recited in the claim preamble does not add any patentable features to the claims limitations. Furthermore, the floor as pointed out in the attachment being made of metal has the capability of dissipating electrical charge. The claims are broadly recited, therefore, Tadokoro's device meets the claims as shown above. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP, 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

4. Claims 10, 12, 18 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose the combination features the retainer arms with the snapping features and the protrusions with the rest of the claims limitations.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

03/17/2005



Jean-François Duverne  
Primary Examiner  
Art Unit 2839